

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KELLI J. POWELL,	§	
	§	
Pro Se Plaintiff,	§	
	§	
VS.	§	Civ. A. H-14-2700
	§	
LITTON LOAN SERVICING, L.P.,	§	
(f.k.a. FREMONT INVESTMENT &	§	
LOAN), JP MORGAN CHASE BANK,	§	
N.A. (f.k.a. EMC MORTGAGE CORP)	§	
WELLS FARGO BANK, N.A., BANK OF	§	
AMERICA (f.k.a. LaSALLE BANK,	§	
N.A.), BEAR STEARNS ASSET	§	
BACKED SECURITIES, I, LLC, AND	§	
SELECT PORTFOLIO SERVICING,	§	
INC.,	§	
	§	
Defendants.	§	

OPINION AND ORDER

Pending before the Court in the above referenced cause, removed from state court on federal question jurisdiction, seeking to stop a possible foreclosure on *pro se* Plaintiff Kelli Powell's ("Powell's") residence at 1826 Stacy Crest, Houston, Texas ("the Property") in addition to compensatory damages and declaratory and injunctive relief, and alleging slander of title, "un-recorded transfer void," fraud, and suit to quiet title, are the following matters: (1) Defendant JP Morgan Chase Bank, N.A.'s ("JPMC's") motion to dismiss (instrument #4) Powell's First Amended Complaint (#1-3, Ex. C) pursuant to Federal Rules of Civil Procedure 8, 12(b)(6), and 9(b) and United States Magistrate Judge Frances Stacy's memorandum and recommendation that it be granted with prejudice (#34); (2) Defendant Bank of America, N.A.'s ("BANA's") amended motion to dismiss (#14) and the Magistrate Judge's memorandum and recommendation that it be granted with prejudice

(#35); (3) Defendants Select Portfolio Servicing, Inc. ("SPS") and U.S. Bank N.A.'s¹ motion for summary judgment (#16) and the Magistrate Judge's memorandum and recommendation that it be granted (#32); (4) Defendant Litton Loan Servicing, L.P.'s ("Litton's") motion for summary judgment (#27) and the Magistrate Judge's memorandum and recommendation that it be granted (#33). No objections have been filed to any of the memoranda and recommendations.

Standard of Review

Findings of the United States Magistrate Judge to which no specific objections are made require the Court only to decide whether each memorandum and recommendation is clearly erroneous or contrary to law. *Id.*, citing *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). The district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C).

Court's Decision

After carefully reviewing all motions and briefing, the applicable law, and the Magistrate Judge's memoranda and recommendations, the Court finds that the Magistrate Judge has correctly summarized the law and applied it to the facts in this action. Accordingly, the Court

¹ Successor trustee to Bank of America, N.A., successor in interest to LaSalle Bank N.A., as trustee, on behalf of the registered holders of Bear Stearns Asset Backed Securities I, LLC, Asset-Backed Certificates, Series 2004-FR3 ("U.S. Bank") (improperly named as Bear Stearns Asset Backed Securities I, LLC).

ADOPTS the Magistrate Judge's memoranda and recommendation as its own and

ORDERS the following: (1) JPMC's motion to dismiss (#4) Powell's First Amended Complaint pursuant to Federal Rules of Civil Procedure 8, 12(b)(6), and 9(b) is GRANTED with prejudice; (2) BANA's amended motion to dismiss (#14) is GRANTED with prejudice; (3) SPS and U.S. Bank N.A.'s motion for summary judgment (#16) is GRANTED and all causes of action in the First Amended Complaint against SPS and U.S. Bank N.A. are DISMISSED with prejudice; and (4) Litton's motion for summary judgment (#27) based on statute of limitations bars and erroneous legal theories is GRANTED and all causes of action in the First Amended Complaint against Litton.

A final judgment will issue by separate document.

SIGNED at Houston, Texas, this 18th day of June, 2015.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE